

Memorandum on the Congressional Subpoena for Executive Branch Documents

December 12, 2001

Memorandum for the Attorney General

Subject: Congressional Subpoena for Executive Branch Documents

I have been advised that the Committee on Government Reform of the House of Representatives has subpoenaed confidential Department of Justice documents. The documents consist of memoranda from the Chief of the Campaign Financing Task Force to former Attorney General Janet Reno recommending that a Special Counsel be appointed to investigate a matter under review by the Task Force, memoranda written in response to those memoranda, and deliberative memoranda from other investigations containing advice and recommendations concerning whether particular criminal prosecutions should be brought. I understand that, among other accommodations the Department has provided the Committee concerning the matters that are the subject of these documents, the Department has provided briefings with explanations of the reasons for the prosecutorial decisions, and is willing to provide further briefings. I also understand that you believe it would be inconsistent with the constitutional doctrine of separation of powers and the Department's law enforcement responsibilities to release these documents to the Committee or to make them available for review by Committee representatives.

It is my decision that you should not release these documents or otherwise make them available to the Committee. Disclosure to Congress of confidential advice to the Attorney General regarding the appointment of a Special Counsel and confidential recommendations to Department of Justice officials regarding whether to bring criminal charges would inhibit the candor necessary to the effectiveness of the deliberative processes by which the Department makes prosecutorial decisions. Moreover, I am concerned that congressional access to prosecutorial decisionmaking documents of this kind threatens to politicize the criminal justice

process. The Founders' fundamental purpose in establishing the separation of powers in the Constitution was to protect individual liberty. Congressional pressure on executive branch prosecutorial decisionmaking is inconsistent with separation of powers and threatens individual liberty. Because I believe that congressional access to these documents would be contrary to the national interest, I have decided to assert executive privilege with respect to the documents and to instruct you not to release them or otherwise make them available to the Committee.

I request that you advise the Committee of my decision. I also request that the Department remain willing to work informally with the Committee to provide such information as it can, consistent with these instructions and without violating the constitutional doctrine of separation of powers.

George W. Bush

NOTE: This memorandum was released by the Office of the Press Secretary on December 13. An original was not available for verification of the content of this memorandum.

Remarks Announcing the United States Withdrawal From the Anti-Ballistic Missile Treaty

December 13, 2001

Good morning. I've just concluded a meeting of my National Security Council. We reviewed what I discussed with my friend, President Vladimir Putin, over the course of many meetings, many months. And that is the need for America to move beyond the 1972 Anti-Ballistic Missile Treaty.

Today I have given formal notice to Russia, in accordance with the treaty, that the United States of America is withdrawing from this almost 30-year-old treaty. I have concluded the ABM Treaty hinders our Government's ability to develop ways to protect our people from future terrorist or rogue state missile attacks.

The 1972 ABM Treaty was signed by the United States and the Soviet Union at a much different time, in a vastly different world. One of the signatories, the Soviet Union, no longer exists, and neither does the

hostility that once led both our countries to keep thousands of nuclear weapons on hair trigger alert, pointed at each other. The grim theory was that neither side would launch a nuclear attack because it knew the other would respond, thereby destroying both.

Today, as the events of September the 11th made all too clear, the greatest threats to both our countries come not from each other or other big powers in the world but from terrorists who strike without warning or rogue states who seek weapons of mass destruction.

We know that the terrorists and some of those who support them seek the ability to deliver death and destruction to our doorstep via missile. And we must have the freedom and the flexibility to develop effective defenses against those attacks. Defending the American people is my highest priority as Commander in Chief, and I cannot and will not allow the United States to remain in a treaty that prevents us from developing effective defenses.

At the same time, the United States and Russia have developed a new, much more hopeful and constructive relationship. We are moving to replace mutually assured destruction with mutual cooperation. Beginning in Ljubljana and continuing in meetings in Genoa, Shanghai, Washington, and Crawford, President Putin and I developed common ground for a new strategic relationship. Russia is in the midst of a transition to free markets and democracy. We are committed to forging strong economic ties between Russia and the United States and new bonds between Russia and our partners in NATO. NATO has made clear its desire to identify and pursue opportunities for joint action at 20.

I look forward to visiting Moscow to continue our discussions as we seek a formal way to express a new strategic relationship that will last long beyond our individual administrations, providing a foundation for peace for the years to come.

We're already working closely together as the world rallies in the war against terrorism. I appreciate so much President Putin's important advice and cooperation as we fight to dismantle the Al Qaida network in Afghanistan. I appreciate his commitment to reduce

Russia's offensive nuclear weapons. I reiterate our pledge to reduce our own nuclear arsenal between 1,700 and 2,200 operationally deployed strategic nuclear weapons. President Putin and I have also agreed that my decision to withdraw from the treaty will not, in any way, undermine our new relationship or Russian security.

As President Putin said in Crawford, we are on the path to a fundamentally different relationship. The cold war is long gone. Today we leave behind one of its last vestiges. But this is not a day for looking back. This is a day for looking forward with hope and anticipation of greater prosperity and peace for Russians, for Americans, and for the entire world.

Thank you.

NOTE: The President spoke at 9:58 a.m. in the Rose Garden at the White House. In his remarks, he referred to President Vladimir Putin of Russia.

Remarks Honoring the 2001 World Series Champion Arizona Diamondbacks

December 13, 2001

The President. We were looking for a little entertainment for tonight's Christmas party—[*laughter*—but we didn't find it. [*Laughter*]

I want to welcome the mighty Diamondbacks to the White House. It didn't take you long to get here. I'm developing a severe case of trophy envy. [*Laughter*] We were lucky to get out of last place with the Rangers, and here you are—thanks, in part, to you. But I do want to congratulate you all.

First, let me say welcome to the Arizona delegation. I'm glad to see the Senator and Members of the United States Congress here. Thank you all for coming.

It's an amazing year, obviously, for our country. And the World Series couldn't have come at a better time. It gave the American people a chance to think about something other than the war. And what a fabulous World Series it was.

I want to thank—I want to congratulate Bob Brenly, rookie of the year. [*Laughter*] What a great job he did. [*Laughter*] I still